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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,752	12/26/2000	Kazuhito Hatta	P00.1335	2796

7590

01/26/2004

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EXAMINER

MAPLES, JOHN S

ART UNIT

PAPER NUMBER

1745

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/582,752

Applicant(s)

HATTA ET AL.

Examiner

John S. Maples

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-34,36-40 and 49-65 ~~is/are~~ pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49 ~~is/are~~ allowed.
- 6) ☒ Claim(s) 25-34,36-40 and 50-65 ~~is/are~~ rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 25-34, 36-40, 50-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda et al.-US 6,001,505 ('505) (New Rejection with regard to claims 50-65)

Reference is made to Figures 1-3 of '505 along with column 4, lines 4-40, column 5, lines 47-51 and column 7, line 18 through column 9, line 67. The '505 patent discloses the dual insulating layer around each of the external terminals of the non-aqueous battery. In addition, the '505 patent teaches the claimed "single laminate film" as claim 51 recites because the battery case is one integral film layer.

Applicant's arguments regarding the above rejection have all been considered but are not deemed persuasive. Applicant argues that '505 does not teach the sealant resin being of a length greater than a thickness of the battery case. The examiner respectfully disagrees. With regard to Figures 2 and 3, it can be seen that the length of the sealant resin layer 42 a(b) is longer than the width of the battery case. Viewing both Figures 2 and 3, it can be seen that the length of 42a(b) is a greater length than a thickness of the battery case. This thickness is the length of the battery case at the most bottom portion of the case as seen in each drawing figures. The claimed subject matter is thus met by '505.

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3. Claims 25-28, 36-40, 50-54, 61, 63-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda et al.-US 6,004,693 ('693) (New rejection with regard to claims 50-54, 61 and 63-65)

See column 2, lines 54-68, column 4, lines 54-63 of '693 and column 7, lines 33-45 along with all of the drawing figures therein. The '693 patent sets forth the insulating layer around each of the battery terminals.

Again, all of applicant's arguments have been considered but are not persuasive. The arguments set forth by the examiner in refuting applicant's arguments based on '505 in the previous section apply equally to the arguments set forth by the applicant in relation to the '693 patent noting that the length of the sealant resin 16a(b) as seen in both Figures 2 and 3 is longer than a thickness of the battery case. This thickness is the length of the battery case at the most bottom portion of the case as seen in each drawing figures. The claimed subject matter is thus met by '693.

4. Claims 25-28, 36, 50-54 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al-US 4,664,994. (Koike) (New Rejection)

Reference is made to Figures 2-4 of Koike along with column 4, lines 23-35 and column 5, lines 8-65.

No rebuttal of arguments relating to the Koike patent are required because this is the first rejection against the claims by Koike.

5. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Thursday from 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.

John S. Maples
Primary Examiner
Art Unit 1745

JSM
January 22, 2004